

1 [APPEARANCES LISTED ON SIGNATURE PAGES]
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6 UNITED STATES DISTRICT COURT
7 NORTHERN DISTRICT OF CALIFORNIA
8 SAN FRANCISCO DIVISION

9 TOSHIBA CORPORATION,
10 Plaintiff-Counterclaim Defendant
11 v.
12 LEXAR MEDIA, INC.,
13 Defendant-Counterclaim Plaintiff
14 LEXAR MEDIA, INC.,
15 Plaintiff-Counterclaim Defendant
16 v.
17 FUJI PHOTO FILM USA, INC.,
18 Defendant-Counterclaim Plaintiff
19 LEXAR MEDIA, INC.,
20 Plaintiff,
21 v.
22 PRETEC ELECTRONICS CORP.; PNY
23 TECHNOLOGIES, INC.; MEMTEK
24 PRODUCTS, INC.; and C-ONE
25 TECHNOLOGY CORP.,
26 Defendants.

Case No. 02-CV-05273 MJJ (JL)

**STIPULATED EXTENSION OF
EXPERT DISCOVERY; SUPPORTING
DECLARATION; [PROPOSED]
ORDER**

Case No. 03-CV-00355 MJJ

Case No. 00-CV-4770 MJJ

STIPULATED EXTENSION OF EXPERT
DISCOVERY; [PROPOSED] ORDER

CASE NOS. 02-5273 MJJ (JL), 03-CV-00355 MJJ,
00-CV-4770 MJJ

Toshiba has requested a short extension of time to conduct expert discovery in this action and Lexar does not object provided that the extension does not delay any other dates in this case. Accordingly, the parties hereby stipulate that, with the Court's permission, the current schedule for expert discovery set forth in the April 10, 2006 Scheduling Order be modified as follows:

Event	April 10, 2006 Scheduling Order	Proposed Date
Burden of proof expert reports	May 23, 2006	June 9, 2006
Rebuttal expert reports	June 16, 2006	July 10, 2006
Complete Expert Discovery	July 14, 2006	July 28, 2006

The parties are not requesting any other changes to the April 10, 2006 Scheduling Order, which set the remaining dates as follows:

Last day to file dispositive motions	August 10, 2006
Opposition briefs due	August 25, 2006
Reply briefs due	September 1, 2006
Mediation take place	On or before September 30, 2006
New claim terms designated by	September 30, 2006
Hearing on dispositive motions	November 7, 2006

By his signature below, counsel for Toshiba attests under penalty of perjury that counsel for the parties concur in the filing of this Stipulation.

1 Dated: May 17, 2006

2 */s/ Steven Cherensky*

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15 Dated: May 17, 2006

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20 C-ONE TECHNOLOGY CORPORATION
21 PNY TECHNOLOGIES, INC

SUPPORTING DECLARATION OF ROBERT F. McCUALEY

I, Robert F. McCauley, declare as follows:

1. I am an attorney admitted to practice in the State of California and the United States District Court for the Northern District of California, and am a partner of Finnegan, Henderson, Farabow, Garrett & Dunner L.L.P., attorneys of record for Plaintiff Toshiba Corporation. The matters referred to in this declaration are based on my personal knowledge and if called as a witness I could, and would, testify competently to those matters.

2. The factual representations made above in the above Stipulation are true. The parties have been actively engaged in discovery and, in particular, the parties have been actively preparing for and taking depositions in the United States and in Japan since September, 2005. In recent weeks, the parties have met and conferred and agreed that the expert discovery schedule in this case should be extended by approximately two weeks, as requested above, to permit the orderly completion of expert discovery and to prepare for mediation and any dispositive motion practice.

3. There have not been any prior modifications to the Court's April 10, 2006 Scheduling Order. The April 10, 2006 Scheduling Order modified the schedule set in a February 6, 2006, Scheduling Order, which modified the schedule in a June 8, 2005 Scheduling Order. The requested extension of the schedule will extend expert discovery by approximately two weeks, but does not change the later dates for mediation, designation of new claim terms, or dispositive motions set forth in the Court's April 10, 2006 Scheduling Order.

I declare under penalty of perjury under the laws of the United States of America
that the foregoing is true and correct and that this declaration was executed on May 17, 2006 at
Palo Alto, California.

/s/ Robert F. McCauley
Robert F. McCauley

1 **[PROPOSED] ORDER**
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3 PURSUANT TO STIPULATION, IT IS SO ORDERED.
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5 Dated: 5/21/2006
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9 The Honorable Martin J. Jenkins
10 United States District Judge
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